

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

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CRIMINAL NO. 1:CR-06-266

v.

ANTHONY JEROME WHITE

MEMORANDUM

Before the court is a document filed by Defendant Anthony White entitled “Motion to Correct Clerk’s Miscalculation of Filing a 2nd § 2255 Motion. Under Amendment 742[,] This Reconsideration Under Rule 59(e).” In essence, White claims he is not time-barred to file a second or successive motion pursuant to 28 U.S.C. § 2255 and is seeking reconsideration of a document he filed on September 20, 2012 entitled “Supplemental Brief in Support of Motion to Adjust or Correct Sentence Under § 4A1.1(e)” (doc. 131).

As noted in this court’s memorandum and order dated September 25, 2012 (doc. 132), a previous § 2255 motion (doc. 113) was filed in this case which this court denied. A certificate of appealability to the Third Circuit Court of Appeals was denied on July 29, 2011. In addition, this court determined that document 124 filed by White constituted a second or successive § 2255 filing.

Pursuant to 28 U.S.C. § 2255(h), a second or successive motion must be certified as provided in 28 U.S.C. § 2244. This court’s memorandum and order of September 25, 2012 (doc. 132) discussed this issue, as well as the merits of White’s September 20, 2012 filing (doc. 131).

This court stands on its September 25, 2012 order. An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: October 11, 2012.

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ORDER

IT IS HEREBY ORDERED THAT the relief requested in the document entitled “Motion to Correct Clerk’s Miscalculation of Filing a 2nd § 2255 Motion. Under Amendment 742[,] This Reconsideration Under Rule 59(e)” (doc. 133) is **DENIED**. This court declines to issue a certificate of appealability.

s/Sylvia H. Rambo
United States District Judge

Dated: October 11, 2012.